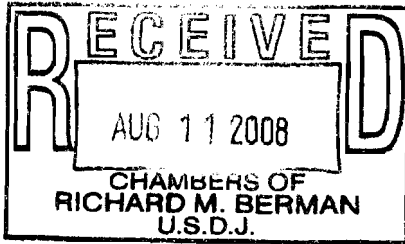


MEMO ENDORSED

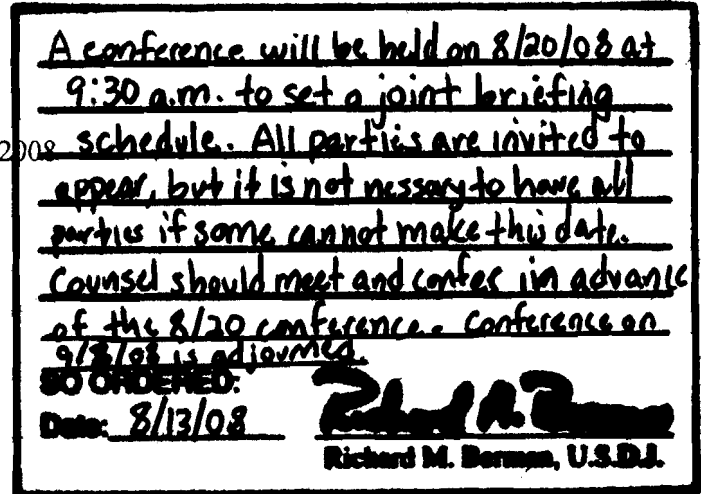
GIRARD GIBBS LLP

Attorneys at Law

601 California Street, 14th Floor | San Francisco, CA 94108-2805
Tel: 415.981.4800 | Fax: 415.981.4846 | www.girardgibbs.com



August 8, 2008



VIA HAND DELIVERY

The Honorable Richard M. Berman
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 650
New York, New York 10007

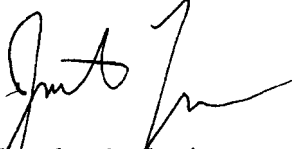
Re: Ciplet v. J.P. Morgan Chase & Co., et al., Case No. 08-cv-4580 (RMB)
08-cv-5026 (RMB)

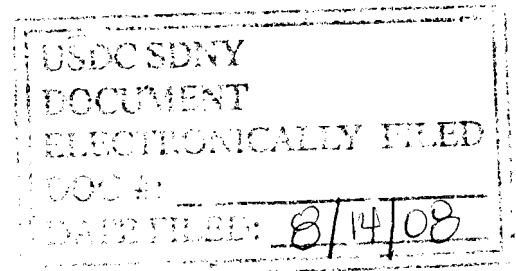
Dear Judge Berman:

We represent Thomas C. Assif, Kismet TMF Holdings, LLC and SKS Capital Partners, LLC, who are lead plaintiff movants in the above-reference action. Pursuant to the Court's instruction, we have contacted all counsel to determine whether all parties are available on August 20, 2008 for a pre-motion conference on the lead plaintiff motions. We are writing to advise the Court that certain counsel are not available for a pre-motion conference on that date. We understand that the pre-motion conference will go forward as originally scheduled on September 3, 2008 at 9:00 a.m.

Respectfully submitted,

GIRARD GIBBS LLP


Jonathan K. Levine



Cc: Jonathan K. Youngwood (counsel for defendants) (by fax)
Curtis V. Trinko (counsel for plaintiff Milton Ciplet) (by fax)
Mark Scollar (counsel for the Scharff plaintiffs) (by fax)
Jules Brody (counsel for movants Shenker and Nierenberg) (by fax)
Stephen A. Weiss (counsel for the Assif Group) (by fax)
Norman E. Siegel (counsel for the Assif Group) (by fax)